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Federal Communications Commission
Chairman Ajit Pai, et al
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The FCC's Open Internet (net neutrality) Rules are incredibly important to me, and I strongly urge you to protect them. I and every other individual user of the internet, along with journalists, entrepreneurs, technology start-ups, doctors, teachers--literally everyone who isn't an incumbent telecom/ISP or a politician accepting money from them--will be far worse off if the FCC rescinds its Title II classification and proceeds with gutting the current rules.

Personal Experience

I have personally been an avid and regular user of the internet since 1995, when I first encountered it at a local community college's summer 'computer camp' program at age 12. Despite its infancy and my young age at the time--I remember one of the first sites I visited was about the animated show Animaniacs--I immediately recognized its enormous potential to change the world. Free and democratic access to all of humanity's knowledge would not only transform education, entertainment, and civic participation, but would allow as-yet-undreamt-of technologies and business models.

Within the next few years, I experienced some of the earliest efforts in those directions. I listened to music and watched blotchy, jumpy videos using one of the earliest technologies for doing so, RealAudio and RealVideo - I distinctly remember seeing a Weird Al music video this way, nearly a decade before YouTube was founded. By 1996, I was using primitive voice chat software to speak to friends online who I had previously only typed back and forth with. By 1998, I was experimenting with Linux--for which I'd purchased CD-ROMs, again online, because my internet access at the time was via dial-up modem and the files were simply too big for me to download.

Almost entirely because of these early experiences, I entered college in 2001 to obtain a bachelor's degree in computer science. My entire career since, at several different technology firms, would not have been possible without the internet. Had service providers of the time tried and succeeded at setting up toll lanes to the internet, or blocking competitors, my employers and other firms could have been severely impacted, gone out of business, or never been started in the first place.

In the years since, I've witnessed the growth of streaming music and video; social media; and both personal live streaming and real-time news reporting. I've been able to see and speak with my brother, who lives on the other side of the country, and keep up with friends who live in other countries. One of the most promising new technologies currently is VR (Virtual Reality) - not just immersive gaming, but the ability to experience live events remotely, collaborate with friends and colleagues sharing the same virtual "space" even though we're hundreds or thousands of miles apart, and who knows what other possibilities we have yet to even imagine.

Impact of Rescinding Title II

All of this is at risk if we allow ISPs to charge "fast lane" access fees payable only by wealthy corporations, relegating everyone else to whatever arbitrarily slow speeds they deign to provide for

non-paying traffic. This is no theoretical risk, either. Prior to the enactment of the first set of net neutrality rules, multiple providers discriminated against competitors and slowed down traffic they did not like: Comcast throttled Netflix in favor of its own cable TV offerings, AT&T prevented iPhone owners from using Apple's FaceTime video calling service and forced them instead to use its billed-per-minute voice calling, and Time Warner (now Spectrum, my current home ISP) throttled the game League of Legends. Once the first rules were in place, those same companies sued the FCC to overturn the rules so that they could once again throttle and block at will. When the FCC reclassified broadband under Title II to reinstate the rules struck down by those lawsuits, they again sued, but fortunately lost. Now that Chairman Pai proposes to rescind the Title II classification, they have explicitly stated their intention to begin offering paid "fast lane" service, with who knows what worse things down the line.

Even aside from my personal uses and experiences, it is impossible to discount the impact that a free and open internet has had on the US economy. The five most-valuable companies in America would not exist, or would not be nearly as successful, if they did not have the ability to reach their customers without hindrance or gatekeeper fees. Would Netflix exist if Comcast and other combination cable-and-internet companies had been able to charge them large fees to allow their own (already paying) customers to access the content of their choice? Do you honestly think that AT&T and Verizon would not have blocked, or charged impossibly high fees, to VoIP telephone competitors like Vonage, if they thought they could have gotten away with it? What new technologies might be prevented from ever taking off, if ISPs are permitted to choose winners and losers online? I certainly would be much less likely to speak regularly with my distant brother, or stream video, or purchase new services or products online, if their costs were exorbitantly higher due to ISP-imposed fees on the providers.

Misleading and False Claims Made Against Net Neutrality

It's also worth addressing some of the claims made by the opponents of an open and free internet - not just the incumbent ISPs, but also Chairman Pai and his fellow Republican commissioners. All have made claims at various times that the rules are 'not legally enforceable', 'hinder innovation', and lead to 'less competition'. None of these claims withstand reasoned scrutiny informed by historical precedent.

The idea that the current rules are not enforceable has been put forth largely by ISPs. This is an incredibly disingenuous claim, and has been rightfully rejected by the courts. The companies which claim the rules can't be enforced are the same ones who sued to overturn the original set of rules, and who were set back in their profiteering goals with the Title II classification. They now claim to support neutrality rules outside of Title II, but as the courts have made clear, the FCC has no authority to impose any such rules without Title II classification. Any 'voluntary' rules, enforced perhaps by the FTC as suggested by Chairman Pai, are laughable. The FTC itself has said that it is not qualified, nor sufficiently funded, to enforce any sort of voluntary rules. Even if it were, they would be just that: voluntary, and therefore subject to change or revocation by ISPs at any time. The idea that a customer so impacted has a real choice in broadband ISP is similarly absurd. The FCC's own data shows that nearly all Americans live in areas with only a single usefully-fast broadband provider. 300 KB/sec ADSL, or metered, high-latency, highly expensive satellite "broadband", are not viable substitutes for cable or fiber internet, and even they are not available in all areas or circumstances.

The argument that net neutrality somehow hinders innovation is also patently false, and in some cases may verge on securities fraud - ISPs have clearly stated to their investors that the rules have had no notable impact on their investment in their networks. When they state otherwise to the public and to members of Congress and the FCC, they show that they are either deliberately misleading their investors--a serious crime--or that they are lying to multiple branches of the federal government, which

unfortunately is not a crime in the context of political speech.

Finally, the idea that the rules result in less competition among ISPs is a misrepresentation at best. AT&T, for example, has made this claim in the past, but it has been their own actions, not net neutrality, which have led to less competition among providers for consumer internet access. Not only have they fought against commercial competitors like Google Fiber, both by deliberately slowing the necessary work for Google to roll out its infrastructure (so-called "make ready" work) and by opposing any action to improve the situation in courts and state lawmaking bodies, but they have also opposed at every turn any efforts by states or local municipalities to build high-speed broadband networks in areas where the incumbent provider offers inadequate service or none at all. (Illustrating the efficacy of such local efforts, in many cases where they have been unable to block such superior services, the incumbent ISP has immediately announced initiatives to begin offering, or improve existing offerings, to compete with the new state or municipal services.)

Competition among service providers, in particular, has been very important to me personally as well. When I first got online in the mid-1990s, it was via a local ISP which charged by the minute. Of course, as a result, I limited my time online, and did not engage in many activities I might otherwise have enjoyed. As mentioned above, I was forced to purchase Linux CD-ROMs delivered by mail because downloading the files would have taken far too long and cost too much money. I limited my time playing games online, and always had to be conscious of how many minutes I had remaining for the month. When my family switched to an unlimited dial-up plan around 1998, it was a revelation - suddenly I could leave a large download running overnight, or play games online with friends without worry. Then, around 2000, our dial-up provider--AT&T, it's worth mentioning--changed its offering from unlimited to limited. Back to self-limiting and a poorer online experience. It was a revelation again when cable broadband became available in our area: suddenly websites loaded instantly, files downloaded quickly, and no one in my family had to worry about online minutes or data quotas. If that provider (Cablevision at the time, now Optimum) had been able to discriminate against content or slow down competitors' traffic, we would have had no competitive choice other than to return to AT&T dial-up access. (Our location meant that ADSL was on the borderline between impossible, and no faster but more expensive than dial-up.)

Statutory Definitions and Interpretations

In support of his efforts to rescind Title II classification and permit the for-profit balkanization of the internet, Chairman Pai claims that broadband internet service is not telecommunications but an "information service." To support this contention, the Chairman has made several claims which, like those of the ISPs, are disingenuous at best.

Let's start with the idea that broadband internet service can't be telecommunications because "broadband Internet users do not typically specify the 'points' between and among which information is sent online", "routing decisions are based on the architecture of the network, not on consumers' instructions", and internet users make requests for online services and data "with no knowledge of the physical location of the server where that information resides." If this argument is valid, then it applies to the other main telecommunications services which the FCC regulates: landline and wireless telephone service. When I call a friend on the phone, I do not tell my provider (yet again AT&T) which lines should be used to deliver my call, or which cell tower my friend can be reached via - the network handles all that, invisibly to me. I don't care whether my friend is currently in New York, New Delhi, or Timbuktu; I simply call him or her and am connected via the intelligent routing of the telephone and wireless networks. In fact, most telephone calls in the present day are themselves routed over a digital

network which looks almost exactly like the internet, using Voice over IP technology on a packet-based, intelligently self-routed network.

There is also the notion that internet access meaningfully qualifies as an "information service", where the provider sells access to specific services under their control. This label could reasonably be applied to the classical "Videotex" services of the 1970s and 1980s, like Minitel, or the early "online services" of the 80s and early 90s, like CompuServe. These providers presented a limited menu of specific, well-defined options, all or nearly all of which came directly from the provider itself. Even by the mid-1990s, when access to the "world wide web" was starting to see some demand, services like AOL consisted of, and were largely marketed as, 'walled gardens' with content exclusive to each provider. By the mid-2000s, however, most ISPs were marketing themselves as, well, internet service providers - their ad copy spoke of, and they competed amongst themselves on the basis of, providing the highest speeds and most reliable connections to all of the internet. Most of them still offered their own email service, and some even provided basic web hosting, but they sold their service as if it were a 'dumb pipe' - clearly telecommunications. Now, in 2017, every provider advertises itself this way, and most no longer offer their own versions of anything which might reasonably be called an "information service"; they have all become, and quite clearly consider themselves, telecommunications providers. (Except when they are petitioning the FCC to reclassify them, of course - after all, what's a little two-faced dishonesty when there's the possibility of making additional millions or billions of dollars?)

And, in the end, that's what this all comes down to. I would be extremely hard-pressed to find a single person who uses the internet, who would say that stringent, well-enforced net neutrality rules should not be in place, at least not once they've read enough about the issue to understand what's being discussed. Certainly none of them would agree that service providers ought to be able to discriminate against certain content, or give preferential treatment to certain web sites or content providers who have paid the ISP. They would rightfully say that, as a customer of their ISP, their ISP is already being paid by them to deliver whatever bits they have requested, and that any attempt to extract additional payment for those bits from the sender would at best be unethical double-dipping and profiteering. I fully agree - this entire fiasco is a completely transparent attempt by incumbent providers to expand their profit margins at the expense of their customers and America at large, without providing any useful benefit to anyone but themselves. The fact that Chairman Pai and his fellow Republican commissioners are going along with this--with a straight face no less--is simply more proof of the corrupting influence of money in politics. The fact that such changes could also make it easier for ISPs to control which political speech their customers can conveniently access makes it all the more chilling.

Delivery

I'm sending this document to the FCC's open proceeding, with the expectation that Chairman Pai--a former Verizon lawyer, no less--has already made up his mind and will proceed with the reclassification and gutting of net neutrality rules regardless of how many people tell him he's wrong, but with the hope that perhaps if enough people clearly explain their experiences and beliefs, he might be persuaded to work for the good of the American people who pay his salary, instead of the highly profitable multi-billion-dollar corporations whose specious arguments he has wholeheartedly embraced.

Since that's about as likely as flying pigs on Mars, I'm also sending this to my members of Congress, who I politely request to carefully consider the consequences of the changes planned by the FCC, to publicly support the FCC's existing net neutrality rules under Title II, to denounce Chairman Pai's plans, and to do whatever is in their power to dissuade him from them.